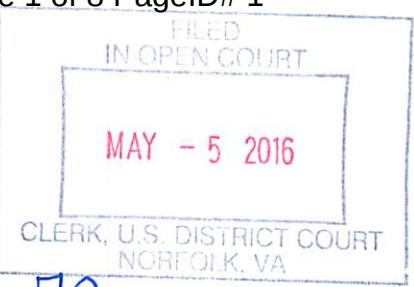


IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Norfolk Division



UNITED STATES OF AMERICA) CRIMINAL NO. 2:16cr 72
v.)
DONYAE M. CALLOWAY) 21 U.S.C. § 846
(Counts 1-5)) Controlled Substances Conspiracy
) (Count 1)
) 18 U.S.C. § 924(o)
) Firearms Conspiracy
) (Count 2)
) 21 U.S.C. § 841(a)(1)
) Possession with Intent to Distribute
) Controlled Substances
) (Count 3)
) 18 U.S.C. § 924(c)(1)(A)
) Possession of Firearms in Furtherance
) of, and Using and Carrying Firearms
) during and in relation to, one or
) more, Drug Trafficking Crimes
) (Count 4)
) 18 U.S.C. § 922(g)(1)
) Convicted Felon in Possession of Firearm
) and Ammunition
) (Count 5)
) 21 U.S.C. § 853 and 18 U.S.C. § 924(d)
) Criminal Forfeiture

INDICTMENT

May 2016 Term – at Norfolk, Virginia

THE GRAND JURY CHARGES THAT:

COUNT ONE

From in or about July 2015 to in or about January 2016, the exact dates to the grand jury being unknown, in the Eastern District of Virginia and elsewhere, the defendant DONYAE M. CALLOWAY, did unlawfully and knowingly combine, conspire, confederate, and agree with one or more persons, both known and unknown to the grand jury, to commit one or more of the following offenses against the United States:

1. To knowingly, intentionally and unlawfully manufacture, distribute, and possess with intent to distribute a mixture and substance of a containing a detectable amount of heroin, a Schedule I controlled substance, in violation of Title 21, United States Code, Sections 841(a)(1), (b)(1)(C); and
2. To use a communication facility in committing, in causing or facilitating the commission of any act or acts constituting one or more felony acts under Title 21 of the United States Code, all in violation of Title 21, United States Code, Sections 843(b).

(All in violation of Title 21, United States Code, Section 846 and Title 18, United States Code, Section 2.)

COUNT TWO

In or about December 2015, the exact date to the grand jury being unknown, in the Eastern District of Virginia and elsewhere, the defendant DONYAE M. COLLOWAY, did knowingly and willfully combine, confederate and agree with other persons both known and unknown the Grand Jury to commit the following offenses against the United States, to wit:

1. To knowingly, intentionally, and unlawfully possess one or more firearms in furtherance of one or more drug trafficking crimes for which the person may be prosecuted in a court of the United States, including as charged in this Indictment, in violation of Title 18, United States Code, Section 924(c)(1); and
2. To knowingly, intentionally, and unlawfully use and carry one or more firearms during and in relation to one or more drug trafficking crimes for which the person may be prosecuted in a court of the United States, including as charged in this Indictment, in violation of Title 18, United States Code, Section 924(c)(1).

(All in violation of Title 18, United States Code, Sections 924(o) and 2.)

COUNT THREE

On or about January 29, 2016, in Norfolk, Virginia, in the Eastern District of Virginia and elsewhere, the defendant DONYAE M. COLLOWAY did knowingly, intentionally and unlawfully possess with intent to distribute a mixture and substance containing a detectable amount of Heroin, a Schedule I controlled substance.

(In violation of Title 21, United States Code, Sections 841(a)(1) and (b)(1)(C) and Title 18, United States Code, Section 2.)

COUNT FOUR

On or about January 29, 2016, in Norfolk, Virginia, in the Eastern District of Virginia, the defendant, DONYAE M. COLLOWAY, did knowingly, intentionally, and unlawfully possess one or more firearms in furtherance of, and use and carry one or more firearms during and in relation to, a drug trafficking crime for which he may be prosecuted in a court of the United States including, but not limited to, one or more of the drug trafficking crimes alleged in this Indictment.

(In violation of Title 18, United States Code, Sections 924(c)(1)(A), (i) and 2.)

COUNT FIVE

On or about January 29, 2016, in Norfolk, Virginia, in the Eastern District of Virginia, the defendant, DONYAE M. COLLOWAY, having been convicted of a crime punishable by imprisonment for a term exceeding one year, did knowingly and unlawfully possess in and affecting interstate commerce, a firearm and ammunition, said firearm and ammunition having been shipped and transported in interstate commerce.

(In violation of Title 18, United States Code, Sections 922(g)(1), 924(a)(2) and 2.)

CRIMINAL FORFEITURE

The defendant, DONYAE M. COLLOWAY, if convicted of any of the offenses charged in this Indictment, shall as part of sentencing under Federal Rule of Criminal Procedure 32.2, forfeit to the United States: (1) Any and all property constituting, or derived from, any proceeds the defendant obtained, directly or indirectly, as the result of such violation; (2) Any of the defendant's property used, or intended to be used, in any manner or part, to commit, or to facilitate the commission of such violation; and (3) Any firearm or ammunition involved in or used in the violation. The property subject to forfeiture includes but is not limited to a monetary judgment in the amount equaled to the gross proceeds generated from distribution of controlled substances. If any property that is subject to forfeiture, (a) cannot be located upon the exercise of due diligence, (b) has been transferred to, sold to, or deposited with a third person, (c) has been placed beyond the jurisdiction of the Court, (d) has been substantially diminished in value, or (e) has been commingled with other property that cannot be subdivided without difficulty; it is the intent of the United States to seek forfeiture of any other property of the defendant, up to the value described above, as subject to forfeiture under Title 21, United States Code, Section 853(p).

(All in accordance with Title 21, United States Code, Section 853 and Title 18, United States Codes, Sections 924(d), as incorporated by Title 28, United States Code, Section 2461.)

Sealed Pursuant to the
E-Government Act of 2002

United States of America v. Donyae M. Colloway
Criminal No. 2:16cr72

A TRUE BILL

REDACTED COPY

FOREPERSON

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